

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

* * * * *

UNITED STATES OF AMERICA

vs.

Case No.: 3:99CR00214- 01 (DRD)

FELIX BELLO-DE LA CRUZ

* * * * *

MOTION FOR SOME DISPOSITION

TO THE HONORABLE DANIEL R. DOMINGUEZ
U. S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, Luis O. Encarnación, United States Probation Officer of this Honorable Court and respectfully informs and prays as follows:

1. On March 21, 2000, Mr. Felix A. Bello De La Cruz was sentenced to five (5) months of imprisonment, to be followed by five (5) years of supervised release after he pled guilty of violating Title 18, U.S. Code, Section 1344. Restitution "in whatever the amount he may owe as to the date of sentence" was imposed. Pursuant to the plea agreement, the defendant Bello-De La Cruz agreed to pay restitution in the amount of \$96,174.00 to Banco Popular de Puerto Rico. A \$100 special monetary assessment was also imposed and was duly satisfied. The offender was released from federal custody on September 28, 2000, at which time his supervised release term commenced.

2. As of today, he has paid \$1,115 towards his restitution.

3. Mr. Bello is a 38 year old, single man, who was self-employed providing maintenance to pools, earning an unstable salary.

4. In accordance with Title 18, United States Code, Section 3613(b) the Mandatory Victims Restitution Act has a 20-year post sentence enforceability limit.

5. Releasee's term of supervision is due to expire *on September 27, 2005* and the defendant will not be able to satisfy the imposed restitution.

6. Consequently, in the case at bar, in order to help Mr. Bello meet his obligation under the Court's sentence, we hereby recommend that the responsibility of the restitution collection be transferred to the Assistant U.S. Attorney's Office' Financial Litigation Unit.

7. The U.S. Probation Office will notify Mr. Bello that in accordance with Title 18 U.S.Code § 3572(d)(3) he will be required to notify the court of any material change in her economical circumstances that might affect his ability to pay the fine. Upon receipt of such notice the court may, on its own motion or the motion of any party, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

8. The U.S. Probation Office will additionally inform Mr Bello of the requirement set forth in Title 18 U.S.Code § 3612(f)(3) which states that any payment plan imposed will require that he keep the Government abreast of his current address and of any economic changes.

9. On September 21, 2005, we presented our recommendation to Mr. Edwin Benítez, Financial Litigation Unit 's Paralegal Specialist, who indicated having no objections to our petition.

Wherefore, in view of the aforementioned, the U.S. Probation Office is recommending to the Court that the responsibility of the collection of the \$95,059.00 restitution be transferred to the Assistant U. S. Attorney's Financial Litigation Unit so that the case can be closed per original date of expiration, *September 27, 2005*.

In San Juan, Puerto Rico, this 26th day of September, 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Luis O. Encarnacion
Luis O. Encarnacion
U.S. Probation Officer
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CERTIFICATE OF SERVICE

I HEREBY certify that on September 26, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Thomas F.

Klumper, Assistant U.S. Attorney, and Joseph Laws, FPD. I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: Mr. Felix Bello De La Cruz, 935 Linacero Street, Urb. Country Club, San Juan, P.R. 00924.

In San Juan, Puerto Rico, this 26th day of September 2005.

s/Luis O. Encarnacion

Luis O. Encarnacion

U.S. Probation Officer

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